

U.S. Oil Recovery, L.P.
Midstate Environmental Services LP
104(e) Response

Date of Response: 5/23/12

Respondent:

Oscar Barela
Midstate Environmental Services LP
2203 Tower Road
Robstown, Texas 78380
(210) 789-4757
(210) 421-6556 - Fax

Midstate Environmental Services states that no materials, hazardous or otherwise, on behalf of Midstate Environmental Services have been transported to the USOR Site; therefore, no documents or analytical information is available.



Midstate Environmental Services LP

P. O. Box 261180

Corpus Christi, TX 78426-1180

Phone: (361) 387-2171 // Fax: (361) 767-7720

May 23, 2012

Ms. Cynthia Brown Removal Enforcement Coordinator
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX. 75202-2733

Re: U.S. Oil Recovery Superfund Site. Pasadena, Harris County, Texas
SSID No. A6X7

Dear Ms. Brown

This letter is in response to the information request from the U.S. Environmental Protection Agency in regards to the U.S. Oil Recovery Superfund Site. We at Midstate Environmental Services are a Used Oil and Used Oil Filter Handler and Recycler. The following questions were asked of us to assist in your investigation with U.S. Oil Recovery:

1. Identify all persons including yourself, on behalf of your company, who may have transported or arranged for transportation of materials to the Site. Such persons will be hereinafter referred to as "Transporters". *No materials on behalf of Midstate Environmental Services have been transported to the site.*
2. State whether an insurance policy has ever been in effect which may indemnify the Company against any liability which the Company may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the Site. If so please provide a copy of the policy. *No insurance policies on behalf of Midstate Environmental Services have been submitted to indemnify the Company against any liability which the Company may have under CERCLA for any release or threatened release of a hazardous substance that may have occurred at the site.*
3. Identify all persons and entities from whom Transporter accepted material which were taken directly or indirectly to the Site. *No Materials on behalf of Midstate Environmental Services have been Transported directly or indirectly to the Site.*

4. Identify the person who selected the Site as the location to which the Transporter took the materials to the Site. *No persons or Transporters on behalf of Midstate Environmental Services have selected the Site nor have they transported materials to the Site.*
5. Identify the owners of the materials that were accepted for transportation by the Transporter.
6. Provide copies of all documents supporting what the Transporters took to the Site, eg. manifests, bills of lading, dump slips, trucking logs, and invoices to include the volume, nature, and chemical composition of the substances taken to the Site. *No materials on behalf of Midstate Environmental Services have been transported to the Site. Therefore no documents are available.*
7. Provide copies of all contracts or agreements with the persons and entities from whom the transporter accepted materials which were taken directly or indirectly to the Site. *No materials on behalf of Midstate Environmental Services have been transported to the Site. Therefore there are no copies of contracts or agreements.*
8. Please provide copies of documents showing the analytical sampling results of the deliveries accepted by USOR, which included any listed hazardous substance. (These would be the results of sampling done by USOR upon delivery). *No materials hazardous or otherwise have been delivered to the Site, therefore no documents or analytical are available.*
9. Please provide a certificate of destruction from the USOR for all shipments delivered which contained listed hazardous waste. *No certificates of destruction have been issued to Midstate Environmental Services for deliveries of listed hazardous wastes. No listed hazardous wastes on behalf of Midstate Environmental Services have ever been delivered to the Site.*
10. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number and facsimile number. *Please continue to include me for all future correspondence concerning this site. My number, fax and address is: Phone# 210-789-4757 Fax# 210-421-6556 Address: 2203 Tower Rd Robstown TX. 78380.*

Please feel free to contact me should there be any further questions or concerns, I will make every effort to assist.

Thank you,



Oscar Barela
EHS Manager
Midstate Environmental Services.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

MAY 09 2012

CERCLA 104(e) INFORMATION REQUEST

URGENT LEGAL MATTER: PROMPT REPLY REQUESTED

CERTIFIED MAIL: RETURN RECEIPT REQUESTED #7011 0110 0001 3590.3369

Oscar Barela
Midstate Environmental Services Inc.
2203 Tower Road
Robstown, Texas 78380

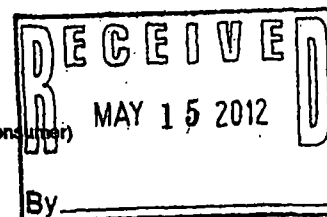
Re: U.S. Oil Recovery Superfund Site, Pasadena, Harris County, Texas
SSID No. A6X7

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Midstate Environmental Services Inc. Environmental Services, Inc., in providing information and documents relating to the U.S. Oil Recovery Superfund Site (Site). Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. The response from Midstate Environmental Services Inc. will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that your company is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect your company to pay for or perform any site-related activities at this time. If the EPA determines that your company is responsible or potentially responsible for response activities at the Site, your company will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.


The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require Midstate Environmental Services Inc. to respond to this information request (see Enclosure 1). We encourage your company to give this matter its full attention, and *we respectfully request Midstate Environmental Services Inc. to respond to this request for information within thirty (30) days of its receipt of this letter.* You may designate another official of Midstate Environmental Services Inc. with the requisite authority to respond on behalf of the company. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.



Please provide a written response to Ms. Cynthia Brown, Removal Enforcement Coordinator, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Ms. Brown at (214) 665-7480. For legal questions concerning this letter, please have your legal counsel contact Mr. Edwin Quinones, Assistant Regional Counsel, at (214) 665-8035. Thank you for your attention to this matter.

Sincerely yours,


Wren Stenger, Associate Director
Technical and Enforcement Branch
Superfund Division

Enclosures (3)

- 1: Information Request
- 2: Instructions and Definitions
- 3: Questions

ENCLOSURE 1
U.S. OIL RECOVERY SUPERFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e). 42 U.S.C. §9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Ms. Cynthia Brown, the designated Enforcement Officer for the Site, at phone number (214) 665-7480, fax number (214) 665-6660 or via email at Brown.Cynthia@EPA.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Cynthia Brown, Removal Enforcement Coordinator
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Mr. Edwin Quinones at phone number (214) 665-8035, fax number (214) 665-6460 or via email at Quinones.edwin@EPA.gov. For contact via mail, use the following address:

Mr. Edwin Quinones, Assistant Regional Counsel
Office of Regional Counsel (6RC-S)
U. S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

U.S. Oil Recovery (USOR) opened for business in December 2003, in Pasadena, Texas, to handle used oil. In its proprietary plant, USOR performed municipal and industrial wastewater pretreatment of Class I and Class II wastewater, characteristically hazardous waste, used oil and oily sludges, and municipal solid waste. The USOR facility is located on approximately 13 acres located north of the City of Pasadena at 400 North Richey. The MCC Recycling facility (MCC) is located on approximately 5 acres located north of the City of Pasadena at 200 North Richey with a mailing address and business office at 400 North Richey. Both locations collectively are considered the Site.

Historical inspections/investigations conducted by the Harris County Public Health and Environmental Services and the Texas Commission on Environmental Quality have shown elevated levels of benzene and chlorinated solvents in some of the waste stored onsite. Specific hazardous substances found at the facility by the EPA include, but are not limited to flammables (D001), corrosives (D002), arsenic (D004), barium (D005), CADMIUM (D006), CHROMIUM (D007), lead (D008), mercury (D009), selenium (D010), silver (D011), benzene (D018), chloroform (D022), 1,2-dichloroethane (D028), methyl ethyl ketone (D035), tetrachloroethylene (D039), trichloroethylene (D040), acetone and hydrogen sulfide.

To date, the EPA has taken several response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site.

The Site has had two EPA emergency response actions, followed by a time-critical response which is currently ongoing. The EPA and its contractors performed preliminary assessments of the Site property on July 2, 2010, and again on November 9, 2010. The preliminary assessments identified and observed the historic and ongoing release of hazardous substances from the Site property, to wit, the waste receiving facility (USOR) and pretreatment facility (MCC).

On July 2, 2010, the EPA activated Emergency Rapid Response Services (ERRS) contractors to the Site to contain off-site migration, and to mitigate the threat and stabilize the Site. Containment actions included placement of booms and absorbent pads, use of pumps and 13 frac tanks, and establishing temporary staging areas for warehouse drums and totes following segregation. Mitigation actions included dropping containment content elevations to below overflow threat levels creating free-board or emptying completely, drum over-packing, drum and tote sampling and assessing by field hazard characterization analysis, drum and tote segregating and marking, securing roll-off containers (with tarps, bows, or poles as needed), and securing perimeter fencing (repair section of damaged fence and replace missing locks.)

On November 8, 2010, and again in January 2011, the EPA was requested to respond to the USOR facility to manage Site runoff of contaminated storm water. The EPA activated the ERRS contractors and Superfund Technical Assessment and Response Team (START-3) contractors to mobilize to the Site, contain offsite migration, mitigate the threat, and stabilize the Site. The EPA has repeatedly dropped the levels in the secondary containments and bays and removed pH less than 2 liquids and sludges and benzene contaminated sludges to also prevent overflow of contamination.

The scope of the time-critical removal action, as described in the March 17, 2011, Action Memorandum, includes the removal and disposal of hazardous substances that were abandoned at the two properties within the Site and which have been the source of previous and ongoing emergency response actions to stabilize the Site. Hazardous substances, pollutants, or contaminants have been found in above ground storage tanks, totes, drums, roll-off box containers, containment areas, secondary containment areas, a retention pond, parking lots, a bioreactor, and throughout the former waste water treatment facility.

DEFINITIONS

The following definitions shall apply to the following words as they appear in Information Request. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act ("RCRA"), in which case the statutory or regulatory definitions shall apply.

1. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any" (e.g., as in "any documents"), shall mean "any and all."
3. The term "arrangement" shall mean every separate contract or other agreement between two or more persons, whether written or oral.
4. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.
5. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material into or on any land or water, including ground water.
6. The term "document(s)" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings/agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telescope, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, Photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc pack, tape or other type of memory generally associated with computers and data processing (including printouts and the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory), every copy of each document which is not an exact duplicate of a document which is produced, every copy of each document which has any writing on it (including figures, notations, annotations, or the like), drafts of documents, attachments to or enclosures with any document, and every document referred to in any other document.

7. The term "generator" shall mean persons who arranged for the disposal or treatment of hazardous substances at the U.S. Oil Recovery Superfund Site where the hazardous substances were released.
8. The term "hazardous material" shall mean any hazardous substances, pollutants or contaminants, and hazardous wastes, as defined below.
9. The term "hazardous substance" shall have the same definition as that contained in Subsection 101(14) of CERCLA, 42 U.S.C. Section 9601(14), and includes any mixtures of such hazardous substances with any other substances.
10. The term "hazardous waste" shall have the same definition as that contained in Subsection 1004(5) of RCRA, 42 U.S.C., Section 6903(5), and 40 CFR Part 261.
11. The term "identify" shall mean, with respect to a natural person, to set forth the person's name, present or last known business, present or last known job (including job title and position), and personal addresses and telephone numbers.
12. The term "identify" shall mean, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g., corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist.
13. The term "identify" shall mean, with respect to a document, to provide the type of document. This information includes the document's customary business description, its date, its number (e.g., invoice or purchase order number), if any, subject matter, the identity of the author (including the addressor and the addressee and/or recipient), and the present location of such document.
14. The term "identify" shall mean, with respect to a piece of real property or property interest, to provide the legal description which appears in the county property records office, or in the equivalent office which records real property transactions for the area which includes the real property in question.
15. The term "material(s)" shall mean any and all objects, goods, substances, or matter of any kind including, but not limited to, wastes.
16. The term "operator" shall mean those persons who once owned or operated the place (i.e., U.S. Oil Recovery at 400 North Richey Street, or MCC at 200 North Richey Street, Pasadena, Harris County, Texas) where hazardous substances were released.

17. The term "owner" shall mean the person who now owns the property (i.e., U.S. Oil Recovery,) where the hazardous substances were released or person(s) who previously owned the property.
18. The term "person" shall have the same definition as in Subsection 101(21) of CERCLA, 42 U.S.C., Section 9601(21), and shall include any individual, firm, unincorporated association, partnership, corporation, trust, consortium, joint venture, commercial entity, United States government, State and political subdivision of a State, municipality, commission, any interstate body, or other entity.
19. The terms "pollutant" or "contaminant," shall have the same definition as that contained in Subsection 101(33) of CERCLA, 42 U.S.C., Section 9601(33), and includes any mixtures of such pollutants and contaminants with any other substances. The term shall include, but not be limited to, any element, substance, compound, or mixture. The term shall also include disease-causing agents which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction), or physical deformations.
20. The term "property interest" shall mean any interest in property including, but not limited to, any ownership interest, an easement, a deed, a lease, a mining claim, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
21. The term "real estate" shall mean and include, but not be limited to, the following: land, buildings, homes, dwelling places, condominiums, cooperative apartments, offices or commercial buildings. The term includes real estate located outside of the United States.
22. The term "release" has the same definition as that contained in Subsection 101(22) of CERCLA, 42 U.S.C., Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
23. The terms "Site" or "Facility" shall mean and include operations at the business located at 400 North Richey Street, and 200 North Richey Street, in Pasadena, Harris County, Texas.
24. The term "solid waste" shall have the same definition as that contained in Subsection 1004(27) of RCRA, 42 U.S.C., Section 9603(27), and 40 CFR Part 261.

25. The terms "transaction" or "transact" shall mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
26. The term "transporter" shall mean persons who selected the place (i.e., U.S. Oil Recovery or MCC at the addresses of 400 North Richey Street and 200 North Richey Street, Harris County, Pasadena, Texas) where the hazardous substances were released as a disposal site and transported the hazardous substances to that place.

ENCLOSURE 2
U.S. OIL RECOVERY SUPERFUND SITE
INFORMATION REQUEST
INSTRUCTIONS and DEFINITIONS

INSTRUCTIONS

Under the authority of Section 104(e) (2) of CERCLA, 42 U.S.C. § 9604(e) (2), the EPA is requesting you to respond to this Information Request. Compliance with this Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties.

1. **Answer Every Question Completely.** A separate response must be made to each of the questions set forth in the Information Request. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. **Number Each Answer.** Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. **Provide the Best Information Available.** Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. **Identify Sources of Answer.** For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. **Continuing Obligation to Provide/Correct Information.** Pursuant to CERCLA Section 104(e)(2), if additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to the EPA.
6. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant Sections 104(e) (7) (E) and (F) of CERCLA, 42 U.S.C. § 9604(e) (7) (E) and F, and Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F.R. § 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
 - A. the portions of the information alleged to be entitled to confidential treatment;
 - B. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - C. measures taken by you to guard against the undesired disclosure of the information to others;



Services We Provide

- Parts Cleaner Services
- Paint Waste Recycling Services
- Haz / Non-Haz Drummed Waste Services
- Absorbent Sales and Disposal Services
- Light Bulb / Computer Recycling
- Field Services
- Emergency Response Support
- Storage Container Rental and Sale
- Collection and Transportation Services
- Used Oil Recycling / Burner Fuel Sales
- Used Oil Filter Recycling
- Used Antifreeze Recycling
- Oily Water and Oily Waste Recycling
- Vacuum Truck Service/ Grit and Grease Trap
- AST & UST Tank Cleaning / Stripping
- Off Spec Fuel Recycling (UST & PST Gasoline-Water Mixtures)
- MARPOL Ship-to-Shore Transfer
- Sludge Solidification

FEDEX

Express

From: (381) 387-2171
Oscar Barala
Midstate Environmental Services
2203 TOWER
ROAD
ROBSTOWN, TX 78380

Origin ID: CRPA

FedEx
Express



J12101112190225

Ship Date: 04JUN12
ActWgt: 1.0 LB
CAD: 2540838/NET:

Delivery Address Bar



SHIP TO: (381) 387-2171

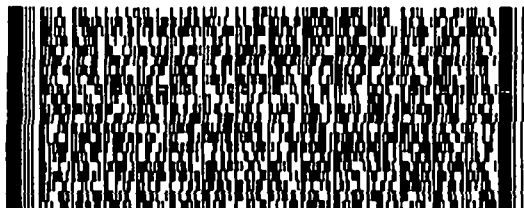
BILL SENDER

Cynthia Brown
Superfund Enforcement Assessment St
1445 ROSS AVE

DALLAS, TX 75202

Ref #
Invoice #
PO #
Dept #

TRK# 7984 6
0201



AD



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